IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 17175 of 2007(T)

PETITIONER:

M/S.CITY CENTRE BUILDERS AND
DEVELOPERS, CITY CENTRE, ROUND WEST,
THRISSUR, REPRESENTED BY ITS MANAGING PARTNER,
SRI.C.A.SALIM, S/O ABDU HAJI,
CHANDANAPARAMBIL HOUSE, KOORKKANCHERRY, THRISSUR.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

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1. THE COMMISSIONER OF INCOME TAX
(APPEALS V), KOCHI.

2. DEPUTY COMMISSIONER OF INCOME TAX,
CIRCLE-2 (1), RANGE-2, THRISSUR.

3. TAX RECOVERY OFFICER,
RANGE-2, THRISSUR-1.

4. SRI.C.K.SUDHAKARAN,
CHERAKULAM HOUSE, KUTTANELLOOR DESOM,
OLLUR VILLAGE, THRISSUR.

BY ADV. SRI.GEORGE K. GEORGE, SC FOR INCOME TAX
SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.17175 of 2007

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Dated this the 7th day of June, 2007.

JUDGMENT

Heard counsel for petitioner and Standing Counsel for Income Tax Department. Since appeal is pending before the Commissioner (Appeals), there is no scope for considering merits of the case. The petitioner is free to raise all the contentions before the statutory authority. However, since Standing Counsel submitted that in view of the importance of the matter, the Commissioner of Income Tax (Appeals) has posted for further hearing and having regard to the total demand involved, W.P. is disposed granting stay against recovery proceedings till disposal of appeals on petitioner remitting 20% of the demand in two equal monthly instalments, first of which will be paid on or before 30.6.2007 and next on or before 31.7.2007. The Commissioner (Appeals) is directed to expedite hearing and dispose of the appeal within six months from now.

C.N.RAMACHANDRAN NAIR
Judge

pms